

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
ENTERED

JUL 18 2002

Michael N. Milby, Clerk

MARK NEWBY,

Plaintiff,

v.

ENRON CORPORATION, et al.,

Defendants.


CIVIL ACTION NO.: H 01-3624  
AND CONSOLIDATED CASES

**ORDER**

Pending before the Court is the Unopposed Motion of Defendant John A. Urquhart To Substitute Proposed Form of Order, by which Mr. Urquhart seeks leave of Court to substitute the form of Order attached hereto as Exhibit "A" in place of the form of Order that accompanied Mr. Urquhart's Motion to Dismiss the Consolidated Complaint. Because Mr. Urquhart's Motion is meritorious and is unopposed, the Court

ORDERS that the form of Order originally submitted with Mr. Urquhart's Motion to Dismiss the Consolidated Complaint is hereby withdrawn and that the form of Order attached hereto as Exhibit "A" is substituted in its place.

SIGNED at Houston, Texas, this 17<sup>th</sup> day of July, 2002.



MELINDA HARMON  
UNITED STATES DISTRICT JUDGE

971

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<div style="display: flex; justify-content: space-between;"><div style="width: 80%;"><p>MARK NEWBY,</p><p style="text-align: center;">Plaintiff,</p><p>v.</p><p>ENRON CORPORATION, et al.,</p><p style="text-align: center;">Defendants.</p></div><div style="width: 10%; text-align: center;">§ § § § § § § § § § §</div></div>	<p>CIVIL ACTION NO.: H 01-3624 AND CONSOLIDATED CASES</p>
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**ORDER**

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, came on for consideration Defendant John A. Urquhart's Motion to Dismiss. After considering the motion, Plaintiffs' response and all of the pleadings and papers bearing on this matter, the Court finds and concludes that the motion to dismiss should be GRANTED and that because Plaintiffs previously have been given ample opportunity to plead any claims against Mr. Urquhart, Plaintiffs should not be given leave to amend or replead. Accordingly, the Court

ORDERS that all claims asserted by Plaintiffs against John A. Urquhart are hereby DISMISSED WITH PREJUDICE, without leave to amend or replead.

SIGNED at Houston, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
MELINDA HARMON  
UNITED STATES DISTRICT JUDGE

**EXHIBIT "A"**